

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

In re:

Peter Paul Mitrano

**Chapter 13
Case No. 10-20476**

Debtor.

**ORDER REINSTATING CASE AND DIRECTING DEBTOR AND CREDITOR TO
FILE DOCUMENTS**

On November 3, 2010, this matter came before the Court on the Debtor's motion to reconsider this Court's order of September 2, 2010, dismissing this Chapter 13 proceeding and the motion of JP Morgan Chase to lift the automatic stay. The case was previously dismissed due to the failure of the Debtor to file documents necessary to the administration of a Chapter 13 bankruptcy. At the November 3, 2010, hearing the Debtor, who appeared by telephone, stated that he believed that he was able to adhere to the requirements of a Chapter 13 debtor, but that he was previously delayed in doing so because he is currently incarcerated. Based upon the Debtor's assurances, the Court hereby **REINSTATES** this Ch.13 bankruptcy proceeding and **ORDERS** the Debtor to file all necessary pleadings, including all schedules and a Ch. 13 plan, within 30 days of this order. Furthermore, this case shall remain open only so long as the Debtor demonstrates the willingness and ability to execute the responsibilities of a Ch. 13 Debtor.

With respect to JP Morgan Chase's motion to lift the automatic stay, the Court notes that the motion, which was filed prior to the September 2, 2010, order dismissing the case, was mooted by said dismissal. Accordingly, JP Morgan Chase is directed to file a pleading which

updates the Court and the Debtor as to the status of the mortgage and which includes the balance and the amount of the arrears. In such pleading, JP Morgan Chase may inform the Court if it wishes to be heard with respect to its motion.

IT IS SO ORDERED.

ENTERED: NOV 04 2010

A handwritten signature in black ink, appearing to read "Ronald G. Pearson", written in a cursive style.

Ronald G. Pearson, Bankruptcy Judge